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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2011-395*

11 **WILLIAM ROBERT DELFS**
12 **1227 Driftwood Drive**
13 **El Centro, CA 92243**
Registered Nurse License No. 664869

A C C U S A T I O N

14 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about September 1, 2005, the Board of Registered Nursing issued Registered
23 Nurse License Number 664869 to William Robert Delfs ("Respondent"). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on August 31, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action..."

8. Section 2762 of the Code provides, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this

chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license..."

CONTROLLED SUBSTANCES

9. Meperidine is in a class of medications called narcotic analgesics, a group of pain medications similar to morphine. Pursuant to Health and Safety Code section 11055, it is a schedule II controlled substance. Demerol is a brand name of meperidine.

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Tennessee Board of Nursing)

11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the Tennessee Board of Nursing ("Tennessee Board").

12. On or about December 3, 2008 pursuant to the Consent Order adopted by the Tennessee Board, in the disciplinary action entitled *In the Matter of: William Robert Delfs, R.N.*,

1 *Kingsport, Tennessee, El Centro, California License No. 122243*, the Tennessee Board ordered
2 that Respondent's license to practice nursing was not to be renewed/ reinstated until Respondent
3 underwent an evaluation with the Tennessee Professional Assistance Program ("TnPAP") and
4 followed all recommendations of the evaluation. The basis for the Agreed Order is as follows:

5 a. During 2007, Respondent was employed at Platinum Select Staffing and under
6 contract as a registered nurse at Johnson City Medical Center in Johnson City, Tennessee.

7 b. On or about December 2, 2007, the clinical nurse manager on call received a page
8 that staff members had discovered a number of empty syringe and needle wrappers in a supply
9 area.

10 c. As a result of this, the hospital ran a PYXIS report to determine if there were any
11 improper overrides or wastages.

12 d. The report showed that Respondent had overridden the machine to obtain Demerol
13 for patients who had no order for the medication.

14 e. On or about November 3, 2007, Respondent overrode the PYXIS machine and
15 removed 75 mg of Demerol for patient M.F., who did not have an order for the medication.
16 Administration was not documented on the Medication Administration Record ("MAR").

17 f. On or about November 4 and 5, 2007, Respondent removed four syringes of
18 Demerol for Patient D.C. who did not have an order for the medication. Administration was not
19 documented on the MAR.

20 g. On or about November 29 and 30, 2007, Respondent removed four syringes of
21 Demerol for patient R.C., who did not have an order for the medication. Administration was not
22 documented on the MAR.

23 h. During the month of November 2007, patient M.C. had Morphine, Tylenol, and
24 Lortab ordered for pain. Respondent removed over thirty syringes of Demerol in his name, but
25 did not document the medication as administered on the MAR.

26 i. Respondent consented to a urine drug screen, which came back positive for
27 meperidine.

28 j. Respondent's contract was terminated with Johnson City Medical Center.

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DATED: October 29, 2010 Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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